

FILED

FEB 27 2013

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MASSAGE AND BODYWORK
THERAPY

IN THE MATTER OF THE
APPLICATION OF

KYUNG AE PARK

TO PRACTICE MASSAGE AND
BODYWORK THERAPY IN THE
STATE OF NEW JERSEY

FINAL ORDER OF
DENIAL OF CERTIFICATION/
LICENSURE

This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kyung Ae Park submitted an application for certification to the Massage, Bodywork and Somatic Therapy Examining Committee dated February 17, 2012.¹

2. Ms. Park's application disclosed, and the criminal history background check revealed that Ms. Park was arrested on

¹ The Board superseded the Committee on September 4, 2012.

October 28, 2010 in Florida and charged with prostitution. Ms. Park was also arrested on February 15, 2011 and charged with resisting an officer without violence.²

3. Ms. Park entered a plea of nolo contendere to the prostitution charges on January 10, 2011.

4. Although requested by a letter on behalf of the Committee to provide a narrative statement explaining the facts and circumstance that led to her arrest, and to provide a copy of the complaint. Neither of these was provided in her response.

CONCLUSIONS OF LAW

1. Ms. Park's plea of nolo contendere to charges relating adversely to the practice of massage therapy subjects her to Board action pursuant to N.J.S.A. 45:1-21(f).

2. Respondent's failure to fully respond to the Committee's information request constitutes a violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting her to Board action pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification/Licensure was entered on January 8, 2013, provisionally denying Ms. Park's application for certification, deemed to constitute an application for licensure as of September 4, 2012. A copy of the Order was forwarded to the applicant by certified and regular

² These charges were dismissed.

mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless the applicant requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting the applicant's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of the Provisional Order was returned, unclaimed, the regular mailing was not returned. Inasmuch as the mailings were sent to the applicant's address of record with the Board, the Board found that service had been effected. No response had been received, and the Board further found that as no material discrepancies had been raised with respect to the findings of fact and conclusions of law of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

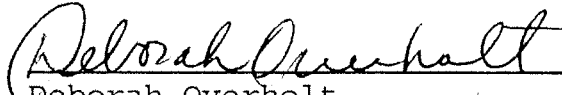
IT IS on this 27th DAY of February, 2013,
ORDERED that:

1. Ms. Park's application for certification, deemed as of

September 4, 2012 to constitute an application for licensure by the Board, is hereby denied.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:

A handwritten signature in cursive script, appearing to read "Deborah Overholt", written over a horizontal line.

Deborah Overholt
Chairperson